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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,098	04/21/2004	Takahiro Tokunaga	4041K-000197	6007

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/829,098	Applicant(s) TOKUNAGA ET AL.	
	Examiner John K. Ford	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/7/05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 8 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9, 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

Applicant's election of Group I, drawn to a combined heating and cooling system, without traverse, is acknowledged. Within that Group, applicant has further elected the species of Figures 1-5, without traverse, and has identified claims 1, 6, 7, 9 and 10 as readable on the elected species. Accordingly claims 2-5, 8 and 11-17 are withdrawn from consideration here.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 9 and are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 59-195413 and GB 2121879.

JP '413 shows an air conditioner with a blower 13, an air conditioner casing 10, cooling unit 12, heater 11, an airflow rate adjustment means 19 and an air mix chamber 20. The airflow rate adjustment means 19 changes the flow direction of air discharged from blower 13 to proportion it between the cold air passage 17 containing cooling unit 12 and the warm air passage 18 containing the heater unit 11. Blower 13 does not have a movable casing.

GB 2121879, in Figure 2, teaches a blower of the type disclosed by JP '413 (i.e., a centrifugal type) in which a position of the blower casing 14 is changed by moving it in the direction of the double-headed arrows to vary the proportion of air discharged into passage V1 and V2. At one extreme casing position, all of the air would be discharged into V1 and at the other extreme casing position, all of the air would be discharged into V2.

To have replaced the blower/damper combination of JP '413 (i.e. elements 13 and 19) with the blower/rotary casing of GB 2121879 (shown in Figure 2), i.e. discharging passage 12 of

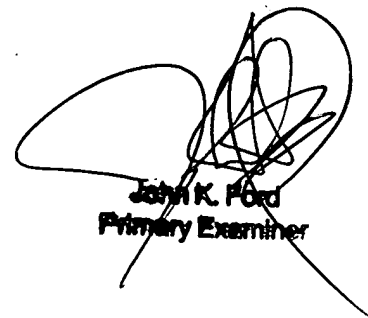
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GB 2121879 into passage 17 of JP '413 and discharging passage 13 of GB 2121879 into passage 18 of JP '413 would have been obvious to one of ordinary skill in the art because GB '879 advantageously teaches it takes up only little space and it's specially short in length (page 2, lines 26-27). One of ordinary skill seeking to design a compact air conditioning system for a small vehicle such as Honda Civic or even smaller vehicle space such as a rear air conditioner unit in a mini-van would have had the requisite motivation to make the substitution for the purpose of advantageously obtaining a more compact air conditioner thereby freeing up space in the passenger compartment.

Any inquiry concerning this communication should be directed to John Ford at telephone number (571) 272-4911.

Ford/PJ

04/18/05



John K. Ford
Primary Examiner